

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Private Schools - B.G.&B.K.Girls High School, Chirala (M), Prakasam Dist. – Proposals for admission of certain posts into Grant-in-Aid placed before the High Level Committee as per the orders of Hon'ble High Court dt.25.4.2008 in WP No.27345/2005 - Proposals Rejected – Orders – Issued.

EDUCATION (SE- PS) DEPARTMENT

G.O.Rt.No. 454,

Dated: 10.08.2010.
Read the following

- 1 Govt.Memo.No.20099/PS.2/2004, dt.26.9.2005.
- 2 From the High Court, order dt.25.4.2008 in WP No.27345/2005.
- 3 Govt.Memo.No.6349/SE.PS.II/2008,dt.28.7.2008 & reminder dt.6.3.2009.
- 4 From the C&DSE,Hyd., Lr.No.112/B1-3/2006, dt.5.8.2010.

ORDER :

On the proposals of the Correspondent BGBK Girls High School, Jandrapet, Chirala, Prakasam District, for admission of 22 teaching and 6 non-teaching posts in to Grant-in-Aid in respect of the above School, the Government based on the recommendation of the High Level Committee rejected proposals in the reference first read above on the plea to that there are ban orders for admission to Grant-in-Aid issued in Govt.Memo.No.12080/COSE/2004 dated.20.10.2004. The Secretary & Correspondent BGBK Girls High School, Chirala, aggrieved by the orders issued in the reference first read above, filed W.P.No.27345/25005 in the Hon'ble High Court.

2. The Hon'ble High Court in its order dated.25.04.2008 in W.P.No.27345/2005 directed the respondents to place the matter before the High Level Committee to consider as to whether the petitioner institution is entitled for admission of GIA for 22 teaching and 6 non-teaching posts in its school without any reference to ban orders.

3. The Government in the reference 3rd read above issued instructions to the Director of School Education to place the matter before the High Level Committee as per the orders of Hon'ble High Court dated.25.04.2008 in W.P.No.27345/2005. The Director of School Education, Hyderabad has placed the proposals before the High Level Committee as per the Orders of Hon'ble High Court and in terms of the instructions of Government in the reference 3rd read above.

4. The High Level Committee considered the proposals in compliance with the orders of the Hon'ble High Court with out reference to the ban orders issued in Government Memo.No.12080/COSE/2004 dated.20.10.2004 and submitted the report on 05.08.2010.

5. The High Level Committee observed that the School was bifurcated into Boys and Girls in the year 1988-89 without prior approval of the Government. The action of the Management in having bifurcated the school into Boys & Girls was ratified and accorded recognition to the newly created school on 23.4.1994 on a specific condition that the new Girls school would be recognized without Grant-in-Aid. As far as the Boys part of the school is concerned, it continues to be in receipt of the Grant-in-Aid even today. The Committee examined the report of Deputy Education Officer, Parchoor, dated 13.03.2009 where in Deputy Educational Officer has tried to justify his recommendation on the assumption that both the Boys and Girls School are one unit. The Committee examined the report in detail and found that the presumption of recommending officer is based on mis conceived notion of the two schools being one unit, since the Government have accorded separate recognition to the new school on condition that it would not be admitted to the Grants. The Committee considered the GORt.No.702 Edn., dt.23.4.1994 and found that after bifurcation and after getting a new name and a new building constructed exclusively for a new school the two can not be treated as one Unit for the purpose of Grant-in-Aid. Since the two schools are covered by two separate recognition orders and the new school has got a new name also which distinguishes it from the original school. Thus, two schools cannot be treated as single unit. The Committee also examined the provisions of Act 22/1988 and found that the new school was created in 1988 and it does not satisfy the conditions laid down in section 3 & 4 of Act,22/1988 in as much as the school has come into existence after the cut off date prescribed in the Act. After detailed discussions, the High Level Committee has come to conclusion that there are no merits in the case of the applicant and decided to propose to the Government to reject their application on the following grounds:

- (1) It is a new school with a new name and a new building ;
- (2) It has got a separate recognition order ;
- (3) The management themselves have given an undertaking at the time of filing application for permission that they would not ask for Grant-in-aid then and in the future too ;
- (4) In the light of the provisions of the Act,22/1988 they are not eligible for Grant-in-Aid in as much as the school has come into existence after the cut off date i.e., 1.9.1985 prescribed by the Act.

6. The A.P. Private Educational Institutions Grant-in-Aid (Regulation) Act,1988 (Act 22/1988) was enacted to regulate the payment of Grant-in-Aid to the Private Educational Institutions in the State of Andhra Pradesh ; and the Educational Institutions are being admitted to Grant-in-Aid as per the provisions of the said Act read with A.P. Education Act,1982. Under Section 45 of the A.P. Education Act,1982 (Act No.1 of 1982), the Government may sanction such Grant on an application or for good and sufficient reasons may refuse to sanction such grant ; and subject to the other provisions of this Act, any order passed by the Government refusing to sanction the Grant shall be final and shall not be questioned in any Court of Law.

7. The Government, after careful examination the matter taking into account the recommendation of the High Level Committee, have decided to reject the request for admission of 22 teaching and 6 non-teaching posts in to Grant-in-Aid. Accordingly, the request of the Secretary and Correspondent BGBK Girls High School, Jandrapet, Chirala, Prakasam District, for according admission of 22 teaching and 6 non-teaching posts into Grant-in-Aid is here by rejected with out reference to ban orders, as the school is not existing before the cutoff date i.e.01.09.1985 as per the provisions of Act No.22 of 1988.

8. The Commissioner & Director of School Education, Hyd., shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNMENT OF ANDHRA PRADESH)

**DR.D SAMBASIVA RAO
SECRETARY TO GOVERNMENT**

To

The Commissioner & Director of School Education, Hyderabad.

Copy to the Regional Joint Director of School Education, Guntur.

Copy to the District Educational Officer, Prakasam District.

Copy to the Government Pleader for School Education, High Court, Hyderabad.

SF/SCs.

// FORWARDED:: BY ORDER//

SECTION OFFICER